

REMARKS

Applicants appreciate the time taken by the Examiner to review Applicant's present application. This application has been carefully reviewed in light of the Official Action mailed June 9, 2004. Applicants respectfully request reconsideration and favorable action in this case.

Claim Objections

Claim 37 stands currently objected because the language "will not be" is inconsistent with the language of Claim 35. Applicants have amended Claim 37 accordingly. Applicants do not believe that this amendment narrows the scope of

Rejections under 35 U.S.C. § 102

Claims 1-8, 14-21, 27, 28, 30-32, 34, 35 and 37 stand rejected as anticipated by U.S. Patent No. 6,185,598 ("Farber").

Claim 1, as amended, recites "receive a request for a web page at an intermediary server" and "changing a dynamic link in the web page to refer to the "intermediate server." Claim 27 includes similar recitations. As recited in independent Claim 1, the intermediate server receives the request for the web page, forwards the request to the target server, retrieves the web page and changes links in the web page to refer to the intermediate server. Thus, additional requests based on the web page will be directed through the intermediate server. This allows, for example, all of a user's web page selections to be tracked at the intermediate server.

It appears by citing col. 8, lines 54-col. 9, line 8 (step B5 of FIGURE 3) of Farber that the Examiner considers the reflector of Farber to be an intermediate server. Applicants note that Farber essentially teaches a load balancing system that can direct requests to an origin server or a repeater. The repeater is essentially a mirror or partial mirror of the origin server. Col. 16, lines 51-65 and col. 17, lines 1-23 of Farber describe step B5 of FIGURE 3, which includes rewriting HTML links to refer to a repeater. For non-repeatable resources, the reflector does not modify the URL in a web page, but for repeatable resources, the reflector modifies the URL to refer to a best repeater. When the reflector modifies URLs, the reflector modifies the URLs to refer to a repeater rather than the reflector itself. Thus, to the extent the Examiner considers the reflector of Farber to be an intermediate server, the reflector does not modify links to refer to the reflector. Thus, the server that initially receives the request and forwards it to the target

web server does not modify links in the response to refer to itself. Moreover, there is no motivation to modify Farber such that the reflector modifies links to refer to the reflector as Farber is concerned with distributing requests among multiple servers (i.e., load balancing) and not with ensuring all requests go through a particular server. Applicants therefore respectfully request allowance of Claim 1. For similar reasons, Applicants respectfully request allowance of Claim 14.

Claim 4 recites "the dynamic link is an absolute URL" and identifying "the absolute URL by a protocol." The ability to identify absolute dynamic links based on protocols allows the present invention to identify and modify absolute links embedded by JavaScript, Visual Basic or other Scripts that are not indicated by anchors. See, page 9, line 28 page 10, line 5. This allows the present invention to identify links that are not identified by systems that rely on anchors or other tags to identify links. Farber, conversely, identifies links by tags or directives in the web page, not by the protocol of the link. See col. 16, lines 66-67. There is no teaching or suggestion in the portions of Farber cited by the Examiner to identify absolute dynamic links based on a protocol as opposed to tags. Consequently, Farber does not anticipate Claim 4. Applicants, therefore, respectfully request allowance of Claim 4. For similar reasons, Applicants request allowance of Claim 14.

Independent Claim 27 recites "identifying an absolute URL in the web page according to a protocol . . . changing the absolute URL to refer to the intermediate server." As noted above, Farber only discloses finding a URLs based on directives such as anchors. There is no teaching in Farber to identify absolute links based on a protocol as recited in Claim 27. Locating links based on protocols allows the present invention to find URLs or other links that do not contain anchors or other directives, such as those that can be created by scripts. Applicants therefore submit that Farber does not anticipate Claim 27.

Independent Claim 31 has been amended to recite "identifying an absolute dynamic link in the web page based on a protocol" and "changing the absolute dynamic link to refer to the intermediate server." Independent Claim 35 has been amended to recite "changing an absolute dynamic URL in the web page to refer to the intermediate server, wherein the absolute dynamic URL is identified based on a protocol." For the reasons stated above with respect to Claim 27, Applicants respectfully request allowance of Claim 31 and Claim 35.

Claims 7 recites "identifying a resource type according to a resource source tag in the web page" and "marking the resource type." Claim 20 recites to "identify the content of resource according to a resource source tag in the web page" and to "mark the content of the resource." Each of these claims share the feature that the intermediate server identifies

resources embedded in the web page based on a resource source tag and marks the content of the resource or resource type. By providing a marking for the resource, the intermediate server will understand when a request for the resource is made, the request is for an embedded resource and not for a new web page. In other words, marking the resources allows the intermediate server to distinguish between user generated requests and requests automatically made based on the content of a web page (e.g., requests for embedded images, so on).

One embodiment of marking of resources is described at page 11, line 14 through page 12, line 6. In this case, when the web page www.utexas.edu is retrieved, the web page includes and embedded graphics for the bottom of The University of Texas tower, marked as `</td>`. The present invention can mark this resource by adding a particular marking such as "mgt54wi". When the intermediate server receives a request for www.utexas.edu/graphics/home/tower_bottom.mgt54wi from a web browser, the intermediate server will understand that this a request based on the embedded image in the www.utexas.edu web page. Because of the marking, the intermediate server can distinguish this request based on the resource embedded in the web page from an original request for www.utexas.edu/graphics/home/tower_bottom.gif which will only return the graphic. In the case in which the intermediate server is used to track a user's path through various web pages, marking of resources allows the intermediate server to distinguish between user specified requests (such as those entered in a web browser's tool bar) and those generated automatically based on embedded resources in a web page.

Farber, at col. 16, line 66 through col. 17, line 5, simply teaches that the resources are identified. There is no teaching or suggestion that the resource types or are marked in the manner of the present invention. Moreover, as Farber simply deals with load balancing, there is no motivation to mark the resource types in order to determine if a request is for a new web page or is based on an embedded resource.

Rejections under 35 U.S.C. § 103

Claims 10, 11, 23, 24, 29, 33 and 36 stand rejected as obvious over U.S. Patent No. U.S. Patent No. 6,185,598 ("Farber") in view of U.S. Patent No. 6,510,462 ("Blumenau").

Applicants point out that in order to establish a prima facie case of obviousness, the Examiner must show: that the prior art references teach or suggest all of the claim limitations; that there is some suggestion or motivation in the references (or within the knowledge of one of ordinary skill in the art) to modify or combine the references; and that there is a reasonable expectation of success. M.P.E.P. 2142, 2143; In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). The Examiner must explain with reasonable specificity at least one rejection – otherwise, the Examiner has failed procedurally to establish a prima facie case of obviousness. M.P.E.P. 2142; Ex parte Blanc, 13 U.S.P.Q.2d 1383 (Bd. Pat. App. & Inter. 1989). When the motivation to combine the teachings of the references is not immediately apparent, it is the duty of the Examiner to explain why the combination of the teachings is proper. Ex parte Skinner, 2 U.S.P.Q.2d 1788, 1790 (Bd. Pat. App. & Inter. 1986).

Claim 10 recites "recording a set of creation details for a first cookie" and Claim 23 recites to "record a set of creation details for a first cookie." The Examiner admits that this is not taught by Farber, but states that it is taught by Blumenau and that "one be motivated to have this as it enables accurate tracking of web sites." Applicants submit, however, that there is no motivation to combine Farber and Blumenau as suggested by the Examiner. Farber teaches a system of load balancing in which requests for web pages are reflected to various repeaters through redirection or modification of URLs or are forwarded to an origin server. Once requests in Farber are redirected or URLs are changed to refer to repeaters, those requests go the repeaters and not through the reflector. Once requests are redirected to the repeater, through the redirection function or modification of the URLs, requests to the repeaters do not have to go through the reflector again. Therefore, there would be not motivation to record the creation details of cookies at the reflector to provide accurate tracking of web usage as suggested by the Examiner. Applicants therefore request allowance of Claims 10 and 23.

Claims 12 and 25 stand rejected as obvious over U.S. Patent No. U.S. Patent No. 6,185,598 ("Farber") in view of U.S. Patent No. 6,510,462 ("Blumenau") and further in view of U.S. Patent No. 5,948,061 ("Merriman"). Claim 12 recites "causing a browser to send a second cookie to the intermediate server, wherein the second cookie includes the set of creation details for the first cookie" and Claim 25 recites to "cause a browser to send a second cookie to the intermediate server, wherein the second cookie includes the set of creation details for the first cookie."

The portions of Merriman cited by the Examiner simply state that a user's browser can send a cookie. This section of Merriman reads: "The user's browser 16 then transmits a message 23 using the received IP address to access such an object indicated by the HTML tag for the advertisement server. Included in each message 23 typically to the advertising server 19 are: (i) the user's IP address, (ii) a cookie, the browser is cookie enabled and stores cookie information" This section of Merriman simply states that a cookie can be sent from a browser to a server, as is commonly done. There is no teaching or suggestion however that the cookie should contain the creation details of a first cookie. As the Examiner has not pointed out where a second cookie that includes "the creation details of a first cookie" can be found, the prima facie case must fail. Consequently, Applicants respectfully request allowance of Claims 12 and 25.

New Claims

Claims 38-42 have been added to more particularly point out distinguishing features of the present invention. Claim 38 recites that the intermediate server receives the web page request, receives the web page and changes all supported links in the web page to refer to the intermediate server. This is not taught or suggested by Farber as the reflector either changes supported links to refer to a repeater or leaves links unchanged to refer to the origin server. Farber does not change links to refer to the reflector. Claim 39 recites identifying an absolute dynamic link based on a protocol. Farber, on the other hand, identifies links based on anchors. Claim 40 recites at the intermediate server "identifying a resource in the web page; marking the resource with a resource marking; forwarding the resource marking to the browser; and receiving a resource request from the browser for the resource that includes the resource marking" and at the browser "generating the resource request that includes the resource marking." Farber, on the other hand, merely changes URLs but does not provide resource markings for embedded resources that are contained in subsequent requests. Claim 41 recites that the intermediate server distinguishes resource requests from new web page requests based on the resource markings. Applicants are unable to find any teaching or suggestion in the portion of Farber cited by the Examiner to distinguish resource requests from web page requests based on a resource marking. Claim 42 is drawn to the fact that the intermediate server can record the creation details for a first cookie and cause a web browser to send a second cookie that includes the creation details of the first cookie. As discussed above, Applicants are unable to find a reference in Merriman to including the creation details of a first

cookie in a second cookie. Accordingly, Applicants respectfully request allowance of Claims 38-42.

Applicants have now made an earnest attempt to place this case in condition for allowance. Other than as explicitly set forth above, this reply does not include an acquiescence to statements, assertions, assumptions, conclusions, or any combination thereof in the Office Action. For the foregoing reasons and for other reasons clearly apparent, Applicants respectfully request full allowance of Claims 1-42. The Examiner is invited to telephone the undersigned at the number listed below for prompt action in the event any issues remain.

The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-3183 of Sprinkle IP Law Group.

Respectfully submitted,

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